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ELIZABETH II

1980 CHAPTER xlii

An Act to authorise The Essex Incorporated Congregational Union to use land comprising the United Reformed Church Lion Walk Colchester for building or otherwise free from restrictions; and for other purposes.

[29th October 1980]

WHEREAS—

(1) By an indenture dated 18th March 1789 (enrolled in Chancery on 2nd April 1789) and made between John Collins Tabor of the one part and John Wallis and eight others of the other part the said John Collins Tabor granted, bargained and sold unto the said John Wallis and others and their heirs certain land situate in the district of Colchester (hereinafter referred to as "the scheduled land") together with the building erected thereon and together with about 8 acres of land since sold to be held upon trust to permit the said building with the appurtenances to be set apart, used, employed and enjoyed for a public meeting-house or meeting-place for the worship of Almighty God by the Society or Congregation of Protestant Dissenters called Independents or Congregationalists and their pastor or minister and upon further trust to permit and suffer the said land on part whereof

the said meeting-house stood and every part and parcel thereof to be used, employed, appropriated and perpetuated for a burial ground for the interment of persons who were while living Protestant Dissenters:

(2) By a scheme approved and established by order of the Board of Charity Commissioners for England and Wales on 27th January 1928 under the Charitable Trusts Acts 1853 to 1925 the administration and management of and the legal estate in the scheduled land with the said meeting-house thereon was vested in the body corporate called the Essex Incorporated Congregational Union (hereinafter referred to as "the Trustees") and remains so vested:

(3) A part or parts of the scheduled land was or were formerly used as a burial ground for the interment of human remains but there have been no burials therein since the year 1876:

1972 c. xviii. (4) It is apprehended that section 8 (3) of the United Reformed Church Act 1972 (which enacts provisions with respect to lands held in trust for uniting churches and uniting congregations) applies to the scheduled land and the said meeting-house is now called the United Reformed Church Lion Walk Colchester:

(5) It is expedient that the scheduled land should be freed from all restrictions which may affect the same by reason of any part or parts thereof being a disused burial ground or by virtue of any deed of trust or trust instrument and that the Trustees and their successors in title be empowered to use, deal with or dispose of the scheduled land or any part thereof for building or for any purpose whatsoever freed from all restrictions as aforesaid:

(6) It is expedient that the other provisions contained in this Act should be enacted:

(7) The purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title. **1.** This Act may be cited as the United Reformed Church Lion Walk Colchester Act 1980.

Interpretation. **2.**—(1) In this Act unless the context otherwise requires—

"signed plan" means the plan signed in duplicate by Mr. David Knox the chairman of the Committee of the House of Commons to whom the Bill for this Act was

referred, one copy of which has been deposited at each of the following offices:—

(*a*) the office of the Clerk of the Parliaments, House of Lords; and

(*b*) the Private Bill Office of the House of Commons;

"scheduled land" means the land described in the Schedule to this Act edged red on the signed plan.

(2) If there be any discrepancy between the Schedule to this Act and the signed plan the signed plan shall prevail.

Discharge of trusts and restrictions affecting scheduled land. **3.** As from the passing of this Act the scheduled land shall be freed and discharged from all trusts, uses, obligations, disabilities and restrictions whatsoever which immediately before the passing thereof attached thereto by virtue of any deed of trust or trust instrument or by reason of the scheduled land or any part thereof being a disused burial ground and the provisions of the Disused Burial Grounds Act 1884 shall cease to apply to the scheduled land: 1884 c. 72.

Provided that nothing in this Act shall operate to affect prejudicially any private right or easement (not being a right in respect of a grave) over the scheduled land or any part thereof which attached thereto immediately before the passing of this Act.

Power to use scheduled land for other purposes. **4.** Notwithstanding anything contained in any enactment, but subject to the provisions of this Act, it shall be lawful at any time after the passing of this Act to use, deal with or dispose of the scheduled land or any part thereof for building or for any other purpose in like manner as if no part thereof had ever been used or set apart for the burial of human remains, and the indenture dated 18th March 1789 (enrolled in Chancery on 2nd April 1789) and made between John Collins Tabor of the one part and John Wallis and eight others of the other part hereinbefore recited shall have effect as if the provisions contained in Part I of Schedule 2 to the United Reformed Church Act 1972 (Trusts for places used for religious worship) were substituted for the operative provisions previously contained in the said indenture. 1972 c. xviii.

Tombstones, monuments, records, etc. **5.**—(1) Subject as hereinafter provided any tombstone or monument relating to the remains of any deceased person interred within the scheduled land may be removed to and be re-erected at such other place as may be agreed between the personal representative or relative of any such deceased person or in default of agreement at such place as the county court may direct on the application of either of the said parties.

(2) Before any tombstone or monument is removed from any part of the scheduled land the Trustees shall give notice in accordance with subsection (3) below of the intended removal of

the tombstone or monument from that part of the scheduled land.

(3) Notice under subsection (2) above shall describe the part of the scheduled land to which it relates and shall be given by publishing it once in each of two successive weeks in a newspaper circulating in the district of Colchester and by displaying it in a conspicuous place upon the scheduled land.

(4) The reasonable expense of removing and re-erecting or disposing of any tombstone or monument under this subsection shall be defrayed by the Trustees.

(5) The Trustees shall cause a record to be made of each tombstone and monument taken from any part of the scheduled land under this section containing—

(i) a copy of the inscription thereon; and

(ii) a statement naming the place where it has been re-erected;

and shall deposit a copy of the record with the Registrar General.

Costs of Act.

6. The costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Trustees.

SCHEDULE

DESCRIPTION OF THE SCHEDULED LAND

A piece of land containing 19,360 square feet or thereabouts and having a frontage of 207 feet or thereabouts to the east side of Lion Walk Colchester in the county of Essex together with the buildings erected thereon and known as or used in connection with the United Reformed Church Lion Walk Colchester.

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